



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RASHIEM SMITH,
Plaintiff,
-against-
BRP DEVELOPMENT CORP., et al.,
Defendants.

19-CV-11794 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court is in receipt of the parties' letter-motion for approval of their proposed settlement agreement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015). (Dkt. No. 35.) However, plaintiff's counsel neglected to attach a copy of his retainer agreement with plaintiff, or documentation for his expenses, as required by the Court's January 6, 2021 Order. (Dkt. No. 33.) Additionally, the Court requests that the parties submit a supplemental letter-brief addressing whether it is fair and reasonable for plaintiff's counsel to receive the lion's share of the settlement amount where his client will recover 100% of his estimated "actual" damages but considerably less than 100% of his total recovery should he succeed on his claims. *See Fisher v. SD Prot. Inc.*, 948 F.3d 593, 606-07 (2d Cir. 2020) ("In considering the reasonableness of LLG's fees on remand, the district court shall take into account that an award of \$11,170 would give Fisher complete recovery in this litigation," including both unpaid wages and statutory damages).

The supplemental materials shall be submitted no later than **March 5, 2021**.

Dated: New York, New York
February 22, 2021

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge